

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

MAY - 9 2008

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

ROY A. DYE,)
Plaintiff,) Civil Action No. 2:07cv00034
)
v.) **FINAL JUDGMENT AND ORDER**
)
MICHAEL J. ASTRUE,) BY: GLEN M. WILLIAMS
Commissioner of Social Security,) SENIOR UNITED STATES DISTRICT JUDGE
Defendant.)

For the reasons stated in the Memorandum Opinion accompanying this final judgment, it is **ADJUDGED** and **ORDERED** as follows:

- a. The motion for summary judgment filed by the Commissioner of Social Security is **OVERRULED**;
- b. The motion for summary judgment filed by the plaintiff is **OVERRULED**;
- c. The final decision of the Commissioner denying benefits is **VACATED**;
- d. The plaintiff's claims shall be **REMANDED** pursuant to "sentence four" of 42 U.S.C. § 405(g) for further development;
- e. The Clerk shall send a certified copy of this Final Judgment and the accompanying Memorandum Opinion to all counsel of record; and
- f. The Clerk is directed to close the case and strike it from the docket.

ENTER: This 9th day of May, 2008.

[Signature]

THE HONORABLE GLEN M. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE